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C O N F I D E N T I A L SECTION 01 OF 02 SUVA 000536

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TAGS: [PREL](#) [PGOV](#) [MARR](#) [PHUM](#) [FJ](#)
SUBJECT: FIJI UPDATE: BAINIMARAMA PLANS CABINET RESHUFFLE;
CJ FATIAKI TRIBUNAL NAMED; MILITARY SPOKESMAN ADMITS HUMAN
RIGHTS ABUSES

REF: SUVA 534

Classified By: Amb. Dinger. Sec. 1.4 (B,D).

Summary

1. (C) Fiji interim Prime Minister Bainimarama plans to re-shuffle his cabinet with the aim to increase efficiency. He will name names on December 1. The Republic of Fiji Military Forces (RFMF) spokesman has publicly acknowledged military use of "strong-arm" tactics to maintain law and order in the first three months after the coup and once more recently in the beating of Ballu Khan, accused of participating in an assassination plot. Interim Attorney General (AG) Sayed-Khaiyum has finally named three international jurists (from Australia, Hong Kong, and Malaysia) to hear allegations of misconduct against Chief Justice Fatiaki. Fatiaki has been suspended since early January. Allegations mostly concern income and tax issues, though his actions during the period of the 2000 coup come into question. A Fiji judge labeled Sayed-Khaiyum's actions in a contempt of court case "irresponsible." End summary.

Bainimarama plans interim cabinet re-shuffle

2. (C) Interim PM Bainimarama told the media on Nov. 16 that he will reduce the size of the interim cabinet from 17 to 13 on December 1. He declined to divulge who would depart, but he said some current cabinet ministers may be demoted to "state minister" status. Rumors are flying. Sources close to the military reported two months ago that interim Finance Minister Chaudhry, interim AG Sayed-Khaiyum, and interim Labor/Tourism Minister Rounds-Ganilau were in disfavor for not being "team players." A rumor has it that Rounds-Ganilau may become High Commissioner in London. A well-connected source suggests Bainimarama intends to add Fijian Affairs to the PM portfolio, removing Ratu Epeli Ganilau. Interim Agriculture Minister Kumar, seen as hopelessly incompetent, may be demoted. Meanwhile, Chaudhry is due to deliver the IG's budget speech for 2009 later this week. In ordinary times, that would take place in Parliament. This year it will be at a local hotel.

Spokesman admits RFMF human-rights abuses

3. (U) Military spokesman LtCol Tikoitoga reportedly acknowledged to a journalist late last week that soldiers carried out human rights abuses during the first three months after the coup, when the army assumed the role of the police.

He added, "To put it in context under the environment of trying to maintain law and order after a military takeover it has to be expected that we have to use strong-arm tactics so that we can control law and order. That is a given. In any country this happens. It hasn't continued to haunt the Fijian population. It happened in the first three or four months of this year when the military needed to take control of law and order and so those things happened. After that, it is not done, apart from the latest one on Ballu Khan."

¶4. (U) Khan's lawyers report 12 security personnel in civilian clothes beat and kicked Khan for about five minutes as he was being detained on Nov. 3 on allegations he was involved in an assassination plot. Khan, a New Zealand citizen, suffered two skull fractures and internal injuries. His lawyers say his health is worsening. They are pleading for authorities to allow a medical evacuation abroad. New Zealand consular officials finally gained regular access, after initially being denied such.

Chief Justice Fatiaki tribunal named

¶5. (U) Interim AG Sayed-Khaiyum announced on Nov. 20 that three international judges -- Robert James Ellicott of Australia (Chair), Raymond Sears of the High Court of Hong Kong, and Dr. Lal Chand Vohrah of the High Court of Malaysia -- have been named to hear allegations against Fiji Chief Justice Fatiaki. The IG suspended Fatiaki last January. Sayed-Khaiyum said six allegations were served on Fatiaki on Nov. 20. Most of the allegations relate to failing to declare income and falsifying tax returns. He also allegedly failed to remain independent at the time of Fiji's 2000 coup. Fatiaki is alleged to have actively assisted in giving

SUVA 00000536 002 OF 002

advice to then-President Ratu Mara on how to resolve the constitutional crisis at that time. Fatiaki has hired one of Suva's best lawyers. A preliminary hearing is to take place Nov. 26. We know little about the three international jurists. The Aussie chair, age 80, is a former Solicitor General, Liberal Party AG (1975-77), and judge of the Federal Court.

Court finds interim AG "irresponsible"

¶6. (C) In a judgment on Nov. 20, Justice Coventry ruled that interim AG Sayed-Khaiyum was "irresponsible" and acted with "an ulterior purpose" in filing a contempt of court case last June against Tupou Draunidalo, the deputy head of the Fiji Law Commission, for saying publicly in May that "the confidence of lawyers in the judicial system, let alone the public, is shattered." Early this month, Sayed-Khaiyum decided to withdraw the contempt action in "the public interest." Draunidalo's lawyer agreed to that but asked for costs. Coventry granted costs of F\$20,000. Comment: Some in the Suva legal community think it is no coincidence that Sayed-Khaiyum announced the Fatiaki tribunal the same day as Coventry's embarrassing ruling...a hope that big Fatiaki news would be the focus of media attention.

Query for Canberra, KL, and Hong Kong

¶7. (U) We are interested in any impressions posts have of the three jurists selected for the Fatiaki tribunal.
DINGER